No. 87-661

IN THE

SUPREME COURT OF THE UNITED STATES

October Term, 1987

NORTHWOOD NURSING AND CONVALESCENT HOME, INC.,
Appellant

v.

CITY OF PHILADELPHIA, BOARD OF REVISION OF TAXES,
Appellee

ON APPEAL FROM THE
COMMONWEALTH COURT OF PENNSYLVANIA

BRIEF IN OPPOSITION TO MOTION TO DISMISS AND FOR DAMAGES

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Appellant Northwood Nursing and Convalescent Home, Inc. moves to strike appellee's Motion to Dismiss and for Damages because this Motion was not timely filed. Supreme Court Rule 16.1 states that appellee must file a Motion to Dismiss within thirty (30) days of appellee's receipt of the jurisdictional statement, unless the time for filing is extended. Appellant's jurisdictional statement was mailed to appellee on September 24, 1987, but appellee's Motion was not filed until November 18, 1987, beyond the time specified. Appellant further moves to strike appellee's Motion for Damages because Rule 16.1 specifies that no pleading may be joined with a Motion to Dismiss other than a Motion to Affirm. Appellee's objections

concerning the raising of a federal question are met at pages four and five of the jurisdictional statement, and, thus, these issues will not be reargued here.

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DATED: November 24, 1987